



**FRANK & ASSOCIATES, P.C.**  
THE WORKPLACE LAW FIRM

NEIL M. FRANK, ESQ.

May 23, 2018

**VIA ECF**

Hon. Anne Y. Shields  
United States District Court, E.D.N.Y.  
100 Federal Plaza, Room 830  
Central Islip, NY 11722

**Re: Ortega v. Bracco's Clam & Oyster Bar, Inc., et al**  
**Index No. 17-cv-6189 (JFB)(AYS)**

Dear Judge Shields:

We represent Plaintiffs Jann Ortega and Widman Sanchez in the above referenced matter. We write, jointly with Defendants, in accordance with the Court's Order, dated April 9, 2018, to provide the Court with a Report Regarding Settlement.

Counsel for Plaintiffs Jann Ortega and Widman Sanchez met and conferred with Defendants' counsel regarding settlement of the lawsuit. The parties disagree on the viability of a class action in the above referenced lawsuit and as a result were unable to reach a settlement.

However, Plaintiffs Jann Ortega and Widman Sanchez have agreed to dismiss the Fifth, Sixth, Seventh, and Ninth Causes of Action sounding in conversion, fraud, breach of fiduciary duty, and punitive damages. Moreover, Plaintiffs Jann Ortega and Widman Sanchez have agreed to dismiss Defendant Gerard Bracco from the lawsuit.

A copy of the proposed Discovery Plan Worksheet is attached hereto.

Thank you for your kind consideration of this request.

Respectfully submitted,  
**FRANK & ASSOCIATES, P.C.**

  
Michael A. Berger, Esq.

cc: Steven Horowitz (via ECF)